

228684

STATE OF SOUTH CAROLINA)

(Caption of Case))

Carolina Power & Light Company d/b/a)
Progress Energy Carolinas, Inc.)
Annual Review of Base Rates for)
Fuel Costs)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2011 - 1 - E

(Please type or print)

Submitted by: Robert R. Smith II

SC Bar Number: 69592

Address: Moore & Van Allen, PLLC

Telephone: 704-331-1000

100 North Tryon Street, Suite 4700

Fax: 704-339-5870

Charlotte, NC 28202

Other:

Email: robsmith@mvalaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Print Form

Reset Form

**BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

DOCKET NO. 2011-1-E

IN THE MATTER OF:

Carolina Power & Light Company d/b/a
Progress Energy Carolinas, Inc.
Annual Review of Base Rates for
Fuel Costs

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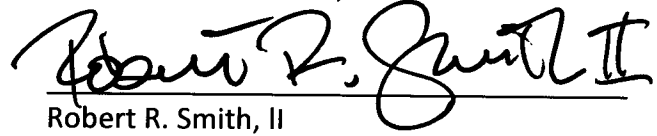
MOTION FOR ADMISSION
Pro Hac Vice

Nucor Steel-South Carolina, a Division of Nucor Corporation, hereby moves the Public Service Commission of South Carolina ("Commission") to permit Garrett A. Stone and Michael K. Lavanga to practice pro hac vice before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Messrs. Stone and Lavanga, together with counsel of record, have filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto are stamped copies of both Verified Applications as filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Nucor requests this motion be granted.

Respectfully submitted,
MOORE & VAN ALLEN, PLLC


Robert R. Smith, II

100 North Tryon Street
Suite 4700
Charlotte, NC 28202
(704) 331-1000
(704) 339-5870 Fax
robsmith@mvalaw.com

Counsel for Nucor Steel-South Carolina

Dated: March 21, 2011

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

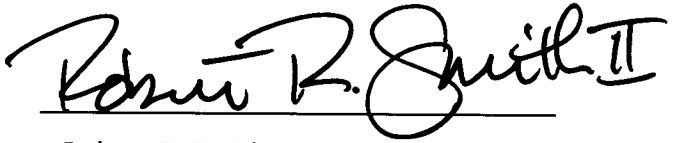
DOCKET NO. 2011-1-E

In the Matter of:)	
)	
Carolina Power & Light Company d/b/a)	CERTIFICATE OF SERVICE
Progress Energy Carolinas, Inc.)	
Annual Review of Base Rates)	
For Fuel Costs)	

This is to certify that the foregoing document was served upon the following parties at the addresses set forth by first-class mail, telefax or Federal Express on this the 21 day of March, 2011:

Len S. Anthony, Esq.
Carolina Power and Light Company d/b/a
Progress Energy Services Company
Legal Department - PEB 17A4
Post Office Box 1551
Raleigh, NC 27602

Courtney D. Edwards, Esq.
Jeffrey M. Nelson, Esq.
Shealy Boland Reibold, Esq.
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201


Robert R. Smith, II

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA

RECEIVED

MAR 2 1 2011

S.C. SUPREME COURT

IN THE MATTER OF:

Docket No. 2011-1-E

Carolina Power & Light Company d/b/a
Progress Energy Carolinas, Inc.
Annual Review of Base Rates for
Fuel Costs

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.,
Suite 100
Columbia, SC 29210

Comes now Garrett A. Stone, applicant herein, and respectfully represents the following:

1. Applicant resides at 2202 Toronto Street, Falls Church, County of Fairfax, VA 22043; telephone number 703-241-4122.
2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8th Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.
3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named regulatory agency of the State of South Carolina.
4. Since April 11 of 1986, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.
5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

Colorado	1982
United States District Court for the District of Colorado	1982
United States Court of Appeals for the Tenth Circuit	1982

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable. Colorado membership is inactive at Applicant's election.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Robert R. Smith II, of the Moore & Van Allen, PLLC law firm, which has offices at: 100 North Tryon Street, Suite 4700, Charlotte, NC 28202; telephone 704-331-1000.

If applicable list all other firms/attorneys you are associated with on this matter.

Not applicable.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant filed an application to appear in the following proceedings before the South Carolina Public Service Commission:

Name:	Case No. 2010-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed March 24, 2010 Granted April 14, 2010 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II
Name:	Case No. 2009-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed March 12, 2009 Granted March 25, 2009 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II
Name:	Case No. 2008-251-E Application of Carolina Power and Light Company d/b/a Progress Energy Carolinas, Incorporated for the Establishment of Procedures for DSM/EE Programs
Status:	On-going
Application:	Filed July 22, 2008 Granted August 14, 2008 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-1-E
Carolina Power & Light Company d/b/a Progress Energy
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status: Settlement Approved by Commission
Application: Filed March 26, 2008
Granted April 15, 2008 by Commission Order
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2007-1-E
Carolina Power & Light Company d/b/a Progress Energy
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status: Settlement Approved by Commission
Application: Filed February 8, 2007
Granted March 2, 2007 by Commission Order
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2006-1-E
Carolina Power & Light Company d/b/a Progress Energy
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status: Settlement Approved by Commission
Application: Filed February 28, 2006
Granted March 27, 2006 by Commission Order
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2005-1-E
Carolina Power & Light Company d/b/a Progress Energy
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status: Settlement Approved by Commission
Application: Filed May 4, 2005
Granted June 14, 2005 by Commission Order
Local Counsel: Thomas S. Mullikin

Applicant was previously permitted by the South Carolina Public Service Commission to participate in a number of matters in the late 1980s and throughout the 1990s based on oral motion at the hearing, which was the standard practice at the time. Applicant also participated in two appeals of two Commission cases that were resolved by the Supreme Court of South Carolina, in which pro hac vice status may have been granted.¹ However, Applicant does not recall the details of these cases, or any other cases, which were completed many years ago. Applicant has never been denied the right to participate in a South Carolina case.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

¹ *Nucor Steel, a Div. of Nucor Corp. v. South Carolina Public Service Com'n*, 310 S.C. 539, 426 S.E.2d 319 (1992); and *Hamm v. South Carolina Public Service Com'n*, 307 S.C. 188, 414 S.E.2d 149 (1992).

12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 17th day of March, 2011.


APPLICANT


VERIFICATION

DISTRICT OF COLUMBIA)

I, Garrett A. Stone, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.


APPLICANT/AFFIANT

Subscribed and sworn to before me this 17th day of March, 2011.



Notary Public for the District of Columbia

My Commission Expires: 4/14/12

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 21 day of March, 2011

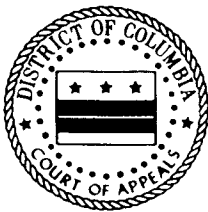

LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 21 day of March, 2011.

Robert R. Smith

2011
MAR 21
10 11 AM
CLERK OF COURT
SOUTH CAROLINA
SUPREME COURT



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia
Court of Appeals, do hereby certify that

GARRETT A. STONE

was on the 11TH day of APRIL, 1986
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on March
17, 2011.

JULIO A. CASTILLO
Clerk of the Court

By: 
Deputy Clerk

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

RECEIVED

MAR 21 2011

S.C. SUPREME COURT

IN THE MATTER OF:

Docket No. 2011-1-E

Carolina Power & Light Company d/b/a
Progress Energy Carolinas, Inc.
Annual Review of Base Rates for
Fuel Costs

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.
Suite 100
Columbia, SC 29210

Comes now Michael K. Lavanga, applicant herein, and respectfully represents the following:

1. Applicant resides at 8715 Highgate Road, Alexandria, County of Fairfax, VA 22308; telephone number 703-704-5366.

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8th Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.

3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named regulatory agency of the State of South Carolina.

4. Since August of 2001, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Virginia

Date Admitted:

2000

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

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Application:	Filed March 24, 2010 Granted April 14, 2010 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II
Name:	Case No. 2008-447-EG Petition of the Office of Regulatory Staff to Establish Docket to Consider Implementing the Requirements of Section 1307 (State Consideration of Smart Grid) and Section 532 (Energy Efficiency Programs) of the Energy Independence and Security Act of 2007
Status:	Stipulation Adopted
Application:	Filed April 30, 2009 Granted May 13, 2009 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II
Name:	Case No. 2009-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed March 12, 2009 Granted March 25, 2008 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-251-E
Application of Carolina Power and Light Company d/b/a
Progress Energy Carolinas, Incorporated for the Establishment
of Procedures for DSM/EE Programs
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Local Counsel: Thomas S. Mullikin and Robert R. Smith, II


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Name: Case No. 2007-1-E
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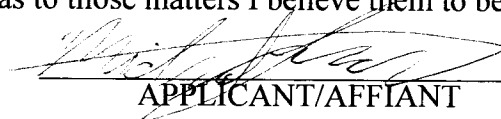
DATED this 17th day of March, 2011.


APPLICANT

VERIFICATION

DISTRICT OF COLUMBIA)

I, Michael K. Lavanga, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.


APPLICANT/AFFIANT

Subscribed and sworn to before me this 17th day of March, 2011.

Pamela H. Hulse

Notary Public for the District of Columbia

My Commission Expires: 4/14/12

LOCAL COUNSEL CONSENT

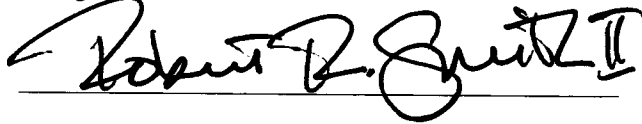
I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 21 day of March, 2011

Robert R. Smith II
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by a payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 21 day of March, 2011.





District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia
Court of Appeals, do hereby certify that

MICHAEL K. LAVANGA

was on the 6TH day of AUGUST, 2001
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on March
17, 2011.

JULIO A. CASTILLO
Clerk of the Court

By: 

Deputy Clerk